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-and-

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*Attorneys for Defendants Genesis Genetics
Institute, LLC and Mark R. Hughes*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CHAYA GROSSBAUM and
MENACHEM GROSSBAUM, her
spouse, individually and as *guardians
ad litem* of the infant ROSIE
GROSSBAUM,

Plaintiffs,

-VS-

GENESIS GENETICS INSTITUTE,
LLC, of the State of Michigan, MARK
R. HUGHES, NEW YORK
UNIVERSITY SCHOOL OF
MEDICINE and NEW YORK
UNIVERSITY HOSPITALS
CENTER, both corporations in the
State of New York, ABC CORPS. 1-
10, JOHN DOES 1-10,

Defendants.

CIVIL ACTION NO.
07-CV-1359 (GEB)(ES)

**DECLARATION OF SARAH
BLAINE, ESO. IN SUPPORT OF
GENESIS GENETICS INSTITUTE,
LLC AND MARK R. HUGHES'S (1)
MOTION FOR SUMMARY
JUDGMENT AND (2) MOTION TO
STRIKE PLAINTIFFS' LIABILITY
EXPERTS**

SARAH BLAINE, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

1. I am an associate with the firm Lowenstein Sandler PC, co-counsel for Defendants Genesis Genetics Institute, LLC and Mark R. Hughes, (collectively, “Genesis”) in the above-captioned matter. I am a member in good standing of the bar of this Court. I respectfully submit this Declaration in support of Genesis’s (1) Motion For Summary Judgment and (2) Motion To Strike Plaintiffs’ Liability Experts, which are being filed simultaneously herewith.

2. I have been an attorney of record on this case since I filed my notice of appearance in October of 2007, and I have been actively involved in defending it except when I was on maternity leave starting in September of 2008. My colleague John F. Basiak was responsible for this case while I was on maternity leave, and he retained primary responsibility for it until he left the firm in June of 2009, at which time I returned to primary responsibility for the case.

3. Attached hereto as Exhibit 1 are true and correct copies of excerpts from the deposition transcript of Charles Strom, M.D., PhD, dated May 4, 2010 (Vol. I).

4. Attached hereto as Exhibit 2 are true and correct copies of excerpts from the deposition transcript of Dr. Mark Hughes, dated May 14, 2010.

5. Attached hereto as Exhibit 3 are true and correct copies of excerpts from the deposition transcript of Charles Strom, M.D., PhD, dated June 24, 2010 (Vol. II).

6. Attached hereto as Exhibit 4 are true and correct copies of excerpts from the deposition transcript of Garry Cutting, M.D. (Vol. I).

7. Attached hereto as Exhibit 5 is a true and correct copy of Kangpu Xu, Ph.D.’s expert report, dated February 26, 2010.

8. Attached hereto as Exhibit 6 is a true and correct copy of the Declaration of Mark R. Hughes In Support Of The Genesis Defendants' Motion For Summary Judgment, dated January 11, 2011.

9. Attached hereto as Exhibit 7 is a true and correct copy of a document titled Pre-Case Phone Review Of PGD Informed Consent, dated March 25, 2004.

10. Attached hereto as Exhibit 8 are true and correct copies of excerpts from the deposition transcript of Menachem Mendel Grossbaum, dated March 12, 2009.

11. Attached hereto as Exhibit 9 are true and correct copies of excerpts from the deposition transcript of Chaya Grossbaum, dated December 17, 2008 (Vol. I).

12. Attached hereto as Exhibit 10 is a true and correct copy of a document titled Preimplantation Genetic Diagnosis Patient Informed Consent, dated June 4, 2004.

13. Attached hereto as Exhibit 11 are true and correct copies of excerpts from the deposition transcript of Dr. Frederick Licciardi, dated May 4, 2010.

14. Attached hereto as Exhibit 12 is a true and correct copy of Genesis's Report Of Morganstern-Grossbaum Results, dated July 19, 2004.

15. Attached hereto as Exhibit 13 is a true and correct copy (with the exceptions noted in this paragraph) of NYU's Medical Records For Plaintiff Chaya Grossbaum. This Exhibit was not produced to us with Bates numbers affixed to it. Because of its large size and relevance to the litigation, we have affixed reference numbers, prefixed "CG____" to each page for the convenience of the Court. In addition, this document has been redacted in accordance with Fed. R. Civ. P. 5.2, as amended by the parties' January 19, 2011 agreement that the parties need not redact the name and birth date of the infant plaintiff, Rosie Grossbaum.

16. Attached hereto as Exhibit 14 are true and correct copies of excerpts from the deposition transcript of Embryologist Alexis Adler, dated July 13, 2009.

17. Attached hereto as Exhibit 15 are true and correct copies of excerpts from the deposition transcript of Garry Cutting, M.D., dated November 8, 2010 (Vol. II).

18. Attached hereto as Exhibit 16 are true and correct copies of excerpts from the deposition transcript of Dr. Kangpu Xu, dated May 13, 2010.

19. Attached hereto as Exhibit 17 is a true and correct copy of a document titled IVF Semen Collection Record, dated July 14, 2004.

20. Attached hereto as Exhibit 18 are true and correct copies of excerpts from the deposition transcript of Mark R. Hughes, M.D., Ph.D., dated February 19, 2009.

21. Attached hereto as Exhibit 19 is a true and correct copy of a document titled "Addendum to IVF/ET Transfer Consent -- Embryo Biopsy and Preimplantation Genetic Diagnosis (PGD)," dated June 4, 2004.

22. Attached hereto as Exhibit 20 are true and correct copies of excerpts from the deposition transcript of Imelda Weill, dated June 4, 2008.

23. Attached hereto as Exhibit 21 are true and correct copies of excerpts from the deposition transcript of Dr. James Grifo, dated June 24, 2009.

27. Attached hereto as Exhibit 22 is a true and correct copy of Plaintiffs' Complaint And Jury Demand, which was filed with the Court on March 23, 2007.

28. Attached hereto as Exhibit 23 is a true and correct copy of the Answer On Behalf Of Defendants Genesis Genetics Institute, LLC And Hughes, only, which was filed with the Court on September 20, 2007.

29. Attached hereto as Exhibit 24 is a true and correct copy of Garry R. Cutting, M.D.'s expert report, dated September 29, 2009.

30. Attached hereto as Exhibit 25 is a true and correct copy of Charles M. Strom', M.D., Ph.D.'s expert report, dated November 12, 2009.

31. Attached hereto as Exhibit 26 are true and correct copies of three article abstracts from the National Institute of Health's PubMed site. All three articles were retrieved from the site on January 17, 2011. The first document is an abstract of an article titled "Estimates of contraceptive failure from the 2002 National Survey of Family Growth." The second document is an abstract of an article titled "Contraceptive effectiveness of two spermicides: a randomized trial." The third document is an abstract of an article titled "Contraceptive effectiveness and safety of five nonoxynol-9 spermicides: a randomized trial."

32. Attached hereto as Exhibit 27 are true and correct copies of excerpts from the deposition transcript of Chaya Grossbaum, dated March 12, 2009 (Vol. II).

33. Attached hereto as Exhibit 28 is a true and correct copy of invoice from Genesis Genetics Institute to Chaya Morgenstern [Grossbaum], dated July 27, 2004 and marked "PAID" as of June 8, 2004.

34. Attached hereto as Exhibit 29 is a true and correct copy of an e-mail chain that includes emails from Shannon Wiltse of Genesis Genetics Institute, Rochie Grossbaum [Chaya Grossbaum], and Francis Hooper of NYU. These emails are dated between May 22, 2004 and January 25, 2005.

35. Attached hereto as Exhibit 30 is a true and correct copy of the Michigan House Legislative Analysis Section's First Analysis of Senate Bill 1170, dated December 5, 2000.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 20, 2011

By: /s/ Sarah Blaine
Sarah Blaine